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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/679,320	10/04/2000	Herschel Clement Burstyn	SAR 13978	7581
35895	7590	03/10/2004	EXAMINER	
INTELLECTUAL PROPERTY DOCKET ADMINISTRATOR GIBBONS, DEL DEO, DOLAN, GRIFFINGER & VECCHIONE 1 RIVERFRONT PLAZA NEWARK, NJ 07102			BOWES, SARA E	
			ART UNIT	PAPER NUMBER
			2136	5

DATE MAILED: 03/10/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/679,320

Applicant(s)

BURSTYN, HERSCHEL CLEMENT

Examiner

Sara Bowes

Art Unit

2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 October 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
 - 1. ☐ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Drawings

New corrected drawings are required in this application because labels of the figure are illegible. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities: absence of page numbering.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 1, 5, 10, 11, 12, and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,668,603 to Copeland.

Referring to claim 1, Copeland teaches a method for distorting a recording of projected images, comprising the steps of:

- imposing modulated entities on video content of video source material, the modulated entities including artifacts incompatible with the video content [column 2, lines 18-22];
- demodulating the modulated entities[column 3, lines 1-11]; and
- projecting the video content to provide the projected images [column 2, line 11-12].

Referring to claim 5, Copeland teaches the method of claim 1 further comprising the step of encoding modulation information corresponding to the modulated entities, wherein the projecting step further includes the step of decoding the modulation information [column 3, lines 54-56].

Referring to claim 10, Copeland teaches the method of claim 1 wherein the video source material comprises film [column 4, lines 59-63].

Referring to claim 11, Copeland teaches the method of claim 5 wherein the video source material comprises film, the encoding step including storing the modulation information on the film [column 4, lines 54-58].

Referring to claim 12, Copeland teaches the method of claim 5 further comprising the step of varying the modulation information with respect to the video source material [column 2, lines 45-47].

Referring to claim 23, Copeland teach the method of claim 1 wherein the projecting step includes the further step of imposing a recording device dependent interference on the projected video content [column 2, lines 19-21].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-4, 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,668,603 to Copeland in view of Video Scrambling and Descrambling for Satellite and Cable TV to Graf et al..

Referring to claim 2, Copeland teaches all limitations of claim 2 except wherein the step of imposing modulated entities includes the steps of:

- separating the video content into selected colors;

- varying at least one of a plurality of parameters of at least one of the selected colors.

However, Graf et al. teaches the method wherein the step of imposing modulated entities includes the step of varying at least one of a plurality of parameters of at least one of the selected colors [page 3, Chroma Transmission, lines 3-6]

Graf et al. does not explicitly teach separating the video content into selected colors.

However, Examiner takes Official Notice that separating the video content into selected colors is conventional and well known.

It would have been obvious at the time the invention was made to one of ordinary skill in the art to explicitly employ color separators in Graf et al. since Examiner takes Official Notice that separating the video content into selected colors is conventional and well known.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Graf et al.'s teachings of modulating to the system and method of Copeland, such that Copeland's system would include a color separator with the ability to vary a parameter of a selected color. One would have been motivated to modify Copeland's system as such in order to alter the picture to produce an unwatchable result [page 3, Scanning, lines 16-18].

Referring to claim 3, Copeland as modified teach the method of claim 2 wherein the at least one parameter is selected from the group comprising intensity, frequency,

gain, brightness, luminance, duty cycle, amplitude, and wavelength [page 3, Chroma Transmission, lines 3-6 of Graf et al.].

Referring to claim 4, Copeland as modified teach the method of claim 3 further comprising the step of selecting a space for modulating the video content [column 2, lines 48-61 of Copeland].

Referring to claim 6, Copeland as modified teach the method of claim 4 wherein imposing the modulated entities further includes the step of modulating the video in the selected space [column 2, lines 48-61 of Copeland].

Referring to claim 7, Copeland as modified teach the method of claim 3 wherein the parameter comprises intensity, the varying step including the step of determining the intensity as a function of position on the video content [page 3, Chroma Transmission, lines 3-5 of Graf et al.].

Referring to claim 8, Copeland as modified teach the method of claim 3 wherein the parameter comprises duty cycle, the varying step including the step of determining the duty cycle as a function of position on the video content [column 2, lines 48-61 of Copeland].

Referring to claim 9, Copeland as modified teach the method of claim 3 wherein the varying step includes the step of determining a value of the parameter as a function of position on the video content, the function describing a modulation envelope, the modulation envelope decreasing a magnitude of the parameter to correct an alignment error [column 2, lines 45-47 of Copeland].

Claims 13, 17-19 and 21-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,668,603 to Copeland in view of U.S. Patent No. 5,924,013 to Guido et al.

Referring to claim 13, Copeland teach video source material for a projection system, comprising:

- modulated entities for providing artifacts incompatible with a video content of the video source material [column 2, lines 18-22]; and

Copeland does not teach a video source material for a projection system, comprising:

- selectively deliverable modulation information, wherein the projection system demodulates the modulated entities according to the modulation information and introduces a recording device dependent interference.

However, Guido et al. a video source material for a projection system, comprising:

- selectively deliverable modulation information, wherein the projection system demodulates the modulated entities according to the modulation information and introduces a recording device dependent interference [column 4, lines 54-58].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Guido et al.'s teaching of receiving downloadable information from a remote source to the system and method of Copeland, such that Copeland's system would scramble the modulated information in figure 1 and descramble the demodulated information in figure 2 if figure 2 contains a valid security code key. One would have been motivated to modify Copeland's system as such in order to provide a secure transmission of information over insecure networks.

Referring to claim 14, Copeland as modified teaches the video source material of claim 13 wherein the modulated entity is a shape imposed on the video content of the video source material, the shape being color modulated as a function of position on the video content [column 2, lines 48-51 of Copeland].

Referring to claim 15, Copeland as modified teaches the video source material of claim 14 wherein the function decreases a magnitude of a modulated parameter in proximity to an edge of the shape [column 2, lines 12-14 of Copeland].

Referring to claim 16, Copeland as modified teach the video source material of claim 13 wherein the modulated entity includes a spatially modulated entity [column 4, lines 53-57 of Copeland].

Referring to claim 17, Copeland teaches a system for distorting a recording of projected images, comprising:

- video source material having modulated entities for providing artifacts incompatible with a content of the video source material [column 2, lines 18-22]
- a projector system responsive to the video source material to provide the projected images , the projector system including:
 - a modulator responsive to the video source material, the modulator imposing a recording device dependent interference on the projected images [figure 1, DATA MODULATOR 22].

Copeland does not teach a system for distorting a recording of projected images, comprising selectively deliverable modulation information; and

the projector system including a demodulator responsive to the video source material for demodulating the modulated entities according to the selectively deliverable modulation information.

However, Guido et al. disclose teach a system for distorting a recording of projected images, comprising selectively deliverable modulation information [column 4, line 65- column 5, line 1]; and

the projector system including a demodulator responsive to the video source material for demodulating the modulated entities according to the selectively deliverable modulation information [column 4, lines 54-58].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Guido et al.'s teaching of receiving downloadable information from a remote source to the system and method of Copeland, such that Copeland's system would scramble the modulated information in figure 1 and descramble the demodulated information in figure 2 if figure 2 contains a valid security code key. One would have been motivated to modify Copeland's system as such in order to provide a secure transmission of information over insecure networks.

Referring to claim 18, The system of claim 17 wherein the video source material includes film and wherein the modulation information is encoded on the film [column 4, lines 54-63 of Copeland].

Referring to claim 19, The system of claim 17 wherein the modulated entities are color modulated and the modulator varies a projection rate of the modulated color [column 4, lines 54-63 of Copeland].

Referring to claim 21, The system of claim 17 wherein the projection system includes an electronic projection system and the modulation information includes information downloadable from a remote source [figure 1 of Guido et al.].

Referring to claim 22, The system of claim 17 wherein the modulation information includes packetized information [column 2, lines 23-26 of Copeland].

Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,668,603 to Copeland in view of U.S. Patent No. 5,924,013 to Guido et al. in further view of Video Scrambling and Descrambling for Satellite and Cable TV to Graf et al..

Referring to claim 20, Copeland as modified teach all limitations of claim 20 except wherein the modulated entities are spatial entities, the projection system including:

- a scanner operable to scan a white light strip over a frame;
- a color separator operable to separate the white light strip into color light strips;
and
- a separator operable to separate the modulated entities into component colors, wherein the modulator modulates the component colors of the spatial entities over at least one of the color light strips.

However, Graf et al. teach the projection system wherein the modulated entities are spatial entities, the projection system including:

- a scanner operable to scan a white light strip over a frame [page 3, Scanning];

- a color separator operable to separate the white light strip into color light strips [page 3, Chroma Transmission lines 8-10]; and
- a separator operable to separate the modulated entities into component colors, wherein the modulator modulates the component colors of the spatial entities over at least one of the color light strips [page 3, Chroma Transmission lines 3-6].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to apply Graf et al.'s teachings of modulating to the system and method of Copeland, such that Copeland's system would include a color separator with the ability to vary a parameter of a selected color. One would have been motivated to modify Copeland's system as such in order to alter the picture to produce an unwatchable result [page 3, Scanning, lines 16-18].

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent No. 5,680,454 to Mead;

U.S. Patent No. 5,617,475 to Marz;

U.S. Patent No. 4,577,216 to Ryan;

U.S. Patent No. 6,516,132 to Wroblewski et al.;

U.S. Patent No. 6,529,600 to Epstein et al.;

U.S. Patent No. 5,905,505 to Lesk;

U.S. Patent No. 6,041,158 to Sato;

U.S. Patent Application Publication No. US 2003/0016825A1 to Jones;
U.S. Patent Application Publication No. US 2004/0033060A1 to Beaton;
Invisible Watermarking for Digital Cinema.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sara Bowes whose telephone number is 703-305-0326. The examiner can normally be reached on 7:30-4:00, Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

seb
3/5/2004


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